



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:

First Named Inventor: MASHBURN, LARRY E.

Art Unit: 1771

Appln. No.: 10/059,278

Examiner: C. Juska

Filed: January 31, 2002

Confirmation No.: 5374

For: CARPET BACKINGS PREPARED FROM  
VEGETABLE OIL-BASED POLYURETHANES

\* \* \*

**DECLARATION UNDER 37 CFR 1.131**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We, Larry Mashburn, William Harrison and Thomas Patterson, the undersigned, declare and aver as follows:

1. We are the above-named inventors of the invention described and claimed in the above-captioned application.

2. We conceived and reduced to practice the invention described in the above captioned application prior to October 10, 2000.

3. Larry Mashburn and William Harrison contacted Thomas Kurth, the inventor named in U.S. application serial no. 09/974,301 (the "'301" application) as well as 09/974,302 (pub. no. 2002/0090488), by telephone in 1999 and described to him the invention described in the above-captioned application.

4. Larry Mashburn and William Harrison, during the telephone conversation described in paragraph 3, requested that Thomas Kurth supply us with the raw soy oil required to reduce the inventions described in paragraph 2 to practice.

5. Thomas Kurth complied with the above request by supplying Larry Mashburn and William Harrison with the requested raw soy oil, as evidenced by the documents

6. Thomas Kurth assisted Larry Mashburn, William Harrison and Thomas Patterson in the actual reduction to practice, but not the conception, of the invention described in paragraph 2, prior to the effective date of the Kurth et al. reference October

10, 2000, but none of his efforts on our behalf constituted a contribution, either directly or indirectly, to the conception of our invention as described in the above-captioned application.

7. The above facts are corroborated by the DECLARATION of Thomas Kurth, attached hereto as exhibit A.

We, Larry Mashburn, William Harrison and Thomas Patterson further declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this patent application.

3-13-07

Date

3/14/07

Date

3-13-07

Date

Larry Mashburn

Larry Mashburn

William Harrison

William Harrison

Thomas Patterson

Thomas Patterson